

Atty. Dkt. No. 0709.017.0002
Serial No. 10/040,077

REMARKS

Claims 1-16 have been cancelled without prejudice or disclaimer of their subject matter. Applicants reserve that right to pursue the full scope of the cancelled claims in this or a later filed application. New claims 48-68 have been submitted. As will be discussed below, original claims 1-16 were canceled solely to expedite prosecution of this application. New claims 48, 55 and 62 are independent claims. The newly presented independent claims parallel previously submitted claims 6, 8 and 10, two of which the Examiner has indicated were allowable (*See* Final Office Action, mailed August 10, 2004). The remaining claims (49-54, 56-61 and 63-68) are dependent upon these new independent claims, and thus incorporate further limitations to claims that were previously deemed allowable. Support for these new claims can be found throughout the specification, including originally presented claims 1-16. No new matter has been added by way of these claim amendments. Entry of these newly presented claims is earnestly solicited. Applicants believe that these newly presented claims are in condition for allowance.

The Examiner's Rejection of Claims 1-16 Under Obviousness-Type Double Patenting is Now Moot

In the Office Action mailed August 10, 2004, the Examiner maintained his rejection of claims 1-16 under the judicially-created doctrine of obviousness-type double patenting. Applicants reiterate and incorporate by reference their remarks made in response to the September 25, 2003 Office Action, which was originally mailed to the Office on March 22, 2004. Although Applicants disagree with all of the Examiner's rejections of claims 1-16 under obviousness-type double patenting, Applicants have cancelled claims 1-16 and submitted claims 48-68 solely to expedite prosecution. Applicants reserve that right to pursue the full scope of the cancelled claims in this or a later filed application. In light of the cancellation of claims 1-16, the Examiner's rejection is now moot.

The Examiner's Rejections of Claims 1-5 Under 35 U.S.C. §102 are Now Moot

In the Office Action mailed August 10, 2004, the Examiner maintained his rejection of claims 1-5 as being anticipated by a number of references. Applicants reiterate and incorporate

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by reference their remarks made in response to the September 25, 2003 Office Action, which was originally mailed to the Office on March 22, 2004. Although Applicants disagree with all of the Examiner's rejections of claims 1-5 as being anticipated, Applicants have cancelled claims 1-5 and submitted claims 48-68 solely to expedite prosecution. Applicants reserve that right to pursue the full scope of the cancelled claims in this or a later filed application. In light of the cancellation of claims 1-5, all of the Examiner's rejections under 35 U.S.C. §102 are now moot.

The Examiner's Rejections of Claims 10-16 Under 35 U.S.C. §103 are Now Moot

In the Office Action mailed August 10, 2004, the Examiner maintained his rejection of claims 10-16 as being obvious in view of a combination of a number of references. Applicants reiterate and incorporate by reference their remarks made in response to the September 25, 2003 Office Action, which was originally mailed to the Office on March 22, 2004. Although Applicants disagree with all of the Examiner's rejections of claims 10-16 as being obvious, Applicants have cancelled claims 10-16 and submitted claims 48-68 solely to expedite prosecution. Applicants reserve that right to pursue the full scope of the cancelled claims in this or a later filed application. In light of the cancellation of claims 10-16, all of the Examiner's rejections under 35 U.S.C. §103 are now moot.

Conclusion

Claims 1-16 have been cancelled and new claims 48-68 have been presented solely to expedite prosecution. Support for new claims 48-68 is found throughout the specification and in the original claims; thus, new claims 48-68 do not add new matter. In the Final Office Action of August 10, 2004, the Examiner indicated that original claims 6-9 are allowable if rewritten to correct dependency. Applicants sincerely thank the Examiner for indicating the allowability of some of the subject matter of the present application, and new independent claims 48 and 55 are written to parallel original claims 6-9, in independent form, as the Examiner suggested. Entry of the claim amendments is earnestly solicited.

In light of the cancellation of claims 1-16 and submission of new claims 48-68, the Examiner's rejections of claims 1-5 and 10-16, and the Examiner's objections to claims 6-9 are

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now moot. Reconsideration and withdrawal of the previous rejections and objections is earnestly solicited.

Should the Examiner believe that further discussion of any remaining issues would advance the prosecution, he or she is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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